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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2013-778**

12 **ELIZABETH ANN LOPEZ**

13 2343 E. Olympic Blvd
14 Los Angeles, CA 90021

A C C U S A T I O N

15 Registered Nurse License No. 603998
16 Nurse Anesthetist Advanced Certification No. 3828

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs ("Board").

23 2. On or about August 8, 2002, the Board issued Registered Nurse License No. 603998
24 to Elizabeth Ann Lopez ("Respondent"). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on January 31, 2014,
26 unless renewed. On or about October 13, 2009, the Board of Registered Nursing issued Nurse
27 Anesthetist Advanced Certification No. 3828 to Respondent. The Nurse Anesthetist Advanced
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1 Certification was in full force and effect at all times relevant to the charges brought herein and
2 will expire on January 31, 2014, unless renewed.

3 **JURISDICTION AND STATUTORY PROVISIONS**

4 3. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
6 indicated.

7 4. Section 2750 provides that the Board may discipline any licensee, including a
8 licensee holding a temporary or an inactive license, for any reason provided in Article 3
9 (commencing with section 2750) of the Nursing Practice Act.

10 5. Section 2764 provides that the expiration of a license shall not deprive the Board of
11 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
12 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
13 expired license at any time within eight (8) years after the expiration.

14 6. Section 118, subdivision (b) of the Code also provides that the suspension, expiration,
15 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
16 disciplinary action during the period within which the license may be renewed, restored, reissued
17 or reinstated.

18 7. Section 490 of the Code provides, in pertinent part:

19 "(a) In addition to any other action that a board is permitted to take
20 against a licensee, a board may suspend or revoke a license on the ground that the
21 licensee has been convicted of a crime, if the crime is substantially related to the
22 qualifications, functions, or duties of the business or profession for which the license
23 was issued.

24 (b) Notwithstanding any other provision of law, a board may exercise any
25 authority to discipline a licensee for conviction of a crime that is independent of the
26 authority granted under subdivision (a) only if the crime is substantially related to the
27 qualifications, functions, or duties of the business or profession for which the
28 licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or
verdict of guilty or a conviction following a plea of nolo contendere. An action that a
board is permitted to take following the establishment of a conviction may be taken
when the time for appeal has elapsed, or the judgment of conviction has been
affirmed on appeal, or when an order granting probation is made suspending the
imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
Penal Code."

1 8. Section 2761 of the Code states, in pertinent part:

2 "The board may take disciplinary action against a certified or licensed
3 nurse or deny an application for a certificate or license for any of the following:

4 (a) Unprofessional conduct, which includes, but is not limited to, the
5 following:

6 ...

7 (d) Violating or attempting to violate, directly or indirectly, or assisting
8 in or abetting the violating of, or conspiring to violate any provision or term of this
9 chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

10 ...

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
13 the conviction shall be conclusive evidence thereof..."

14 9. Section 2762 of the Code provides, in pertinent part:

15 "In addition to other acts constituting unprofessional conduct within the
16 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
17 person licensed under this chapter to do any of the following:

18 ...

19 (b) Use any controlled substance as defined in Division 10 (commencing
20 with Section 11000) of the Health and Safety Code, or any dangerous drug or
21 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
22 in a manner dangerous or injurious to himself or herself, any other person, or the
23 public or to the extent that such use impairs his or her ability to conduct with safety to
24 the public the practice authorized by his or her license.

25 (c) Be convicted of a criminal offense involving the prescription,
26 consumption, or self-administration of any of the substances described in
27 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
28 record pertaining to, the substances described in subdivision (a) of this section, in
29 which event the record of the conviction is conclusive evidence thereof..."

30 REGULATORY PROVISION

31 10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

32 "A conviction or act shall be considered to be substantially related to the
33 qualifications, functions or duties of a registered nurse if to a substantial degree it
34 evidences the present or potential unfitness of a registered nurse to practice in a
35 manner consistent with the public health, safety, or welfare. Such convictions or acts
36 shall include but not be limited to the following:

37 (a) Assaultive or abusive conduct including, but not limited to, those
38 violations listed in subdivision (d) of Penal Code Section 11160..."

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1 beverages. The conduct is described in more particularity in paragraph 13 above, inclusive and
2 hereby incorporated by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcoholic Beverages)**

5 15. Respondent is subject to disciplinary action under section 2761, subdivision (a), and
6 section 2762, subdivision (b) of the Code on the grounds of unprofessional conduct in that on or
7 about October 7, 2011, Respondent used alcoholic beverages to an extent or in a manner
8 dangerous or injurious to herself, others and the public. The dangerous use is described in more
9 particularity in paragraph 13 above, inclusive and hereby incorporated by reference.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Conviction Involving the Consumption of Alcoholic Beverages)**

12 16. Respondent is subject to disciplinary action under sections 2761, subdivision (a), as
13 defined in section 2762, subdivision (c) of the Code, on the grounds of unprofessional conduct, in
14 that on or about December 20, 2011, Respondent was convicted of a crime involving alcoholic
15 beverages. The conviction is described in more particularity in paragraph 13 above, inclusive and
16 hereby incorporated by reference.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Violations of the Nursing Practice Act)**

19 17. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
20 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
21 described in more particularity in paragraphs 12 through 16 above, inclusive and hereby
22 incorporated by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 603998, issued to Elizabeth Ann Lopez;
2. Revoking or suspending Nurse Anesthetist Advanced Certification No. 3828, issued to Elizabeth Ann Lopez;
3. Ordering Elizabeth Ann Lopez to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: March 18, 2013



for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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